

REMARKS

Claims 1-5 remain in the application.

Minor amendments to the claims have been made to emphasize the distinguishing features thereof.

All of the claims standing as rejected under 35 USC 103(a) as being unpatentable over Hallam.

Reconsideration of this rejection is respectfully requested.

The Examiner concedes that Hallam does not disclose personalizing each page of the calendar by printing the name of a recipient and an enterprise identifier on each page.

However, the Examiner asserts that this descriptive material is not “functionally related” to the recited calendar pages or steps of the method, relying on In re Gulack, 217 USPQ 401 (Fed. Cir. 1983) and In re Lowry, 32 USPQ2d 1031 (Fed. Cir. 1994). After careful review of these cases, applicant notes that in both Gulack and Lowry the Federal Circuit reversed a rejection which disregarded printed matter as functionally unrelated.

Here, a promotional tool and method are claimed which functionally relate the printed matter to the pages of a multi-page daily calendar. The heart of the concept is based on the powerful mental effect of recognition of one's own name. This recognition is used to promote an enterprise by the visual juxtaposition of a recipient's name and an enterprise identifier each day to each day create a mental association with the enterprise in the mind of the recipient. That is, a fresh impression of the mental association is presented to the recipient as he or she turns a page of the calendar and his or her attention is drawn anew that day to the appearance of his or her name in visual association with the enterprise identifier.

By this device, a powerful reinforcement of the promotional impact of the juxtaposed visual image of the recipient's name and the enterprise may be achieved each and every day of the year.

Enclosed is a brochure produced by applicant discussing the promotional method.

Thus, there is indisputably a functional relationship between the printed material and the tablet of calendar pages.

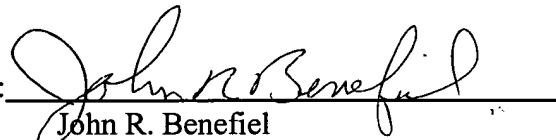
Accordingly, under the holding of Gulack and Lowry, the rejection of the claims under 35 USC 103(a) is not proper and should be withdrawn.

Favorable reconsideration is therefore respectfully requested.

Respectfully submitted,

Date: November 12, 2003

By:


John R. Benefiel
Reg. No. 24,889

280 Daines Street
Suite 100 B
Birmingham, Michigan 48009
(248) 644-1455

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

It is hereby certified that this correspondence, along with any items referred to as being attached or enclosed, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia on November 12, 2003.

By:

